

CLARKSBURG TOWN CENTER ADVISORY COMMITTEE

Kim Shiley, CTCAC Co-Chair
Carol Smith, CTCAC Co-Chair
Amy Presley, CTCAC Spokesperson

March 25, 2005

Ms. Catherine Matthews
Director
Upcounty Regional Services Center

Dear Cathy:

Thank you for taking the time to meet with us recently to discuss our concerns regarding the development of Clarksburg Town Center. As expressed, we are very disturbed to learn that the Library is not scheduled to be built until late 2009 or potentially even later. The Library was intended to serve as a focal point and a draw for the Town Center. Newland's new retail center design was crafted around the Library as the central draw and focus. The Library was intended to become an integral part of the community, making use of the Town Center square area, hosting events and drawing people in. If the Library is not ready in conjunction with the Town Center retail area (scheduled to break ground late in 2005/early 2006 for completion within 2006), there will not be the necessary draw to support a thriving Town Center.

Newland is currently circulating information to residents regarding the retail center development and stating that "soon you will be able to walk with your children to the Library." If the Library doesn't even break ground until 2009 or later, many of the current residents' children will be driving! As a community, we do not believe that the Town Center will be complete until the Library is built.

Our plea to you is for assistance in getting the Library built in conjunction with the Town Center retail area. Is there any way that the Developer can be encouraged to subsidize the construction of the Library? Or, is there a way for the County to expedite the process for construction of the CTC Library? We understand that there is a strong likelihood that Newland may be cited by M-NCPPC for current violations (including set-back violations and height violations) and that, if cited, they may also be fined in accordance with standard M-NCPPC procedures. We would also like for your office to investigate the potential to have a portion of such fines directed towards subsidizing the Library construction.

Please let us know if there is any other action that the CTCAC can take on behalf of residents to aid in expediting the Library construction process.

Thank you for your time and assistance.

Sincerely,

Amy Presley (on behalf of the CTCAC)

Su **Re:**
Da 4/3/2005
To KShiley@psc.gov, Shileykim@aol.com

Hello, Wynn.

Confirming our conversation of last Friday, I inquired about site plan approvals relative to Phase I #8-98001 (due to concerns that what was actually built in the community does not align with what was submitted with that approval). You stated that, according to the Board Opinion (and I recalled it to be item #38), all changes/approvals could be made at a staff level and as an internal process.

I asked what was provided to you by the developer and/or builders in order to receive approval for changes and you replied, "stamped drawings." When I asked you for copies of those drawings, you stated that you would not be able to assist me with obtaining them, as you were too busy, but that I could come by and find them myself. I understand that you are busy with your work; however, I also work full time and must go out of my way to your office to obtain them.

I also asked about your receiving documents relative to the upcoming height hearing and you answered, "I have received some letters from your folks"... "those with your point of view." I got the feeling, Wynn, that you were disturbed by my requests and also disturbed at receiving letters from CTC residents supporting "our view." As you know, the CTCAC has no view other than that of the Master Plan concept and approved Project Plan. It should come as no surprise that residents who bought into this community based on the Master Plan would expect the development ultimately to align with that plan and, therefore, would submit letters to that extent. Further, in order for us to support these Plans, we do require access to documents controlled by you. It is unfortunate that our requests involve your time and effort, but I am baffled by your seeming unwillingness to assist us, as you are the Staff person responsible for development review for CTC and, ultimately, a servant of the community at large.

I'm sorry for the short notice, but I will come by first thing Monday morning to pick up the "stamped drawings." I would appreciate your assistance in having them ready for me by _____ (Kim, put a time in here).



Clarksburg Town Center –
Height Violation Threshold Hearing

April 14, 2005

DOCUMENT CHRONOLOGY

- MASTER PLAN & HYATTSTOWN SPECIAL STUDY AREA (Approved June 1994)
- DEVELOPMENT APPLICATION (November 1994)
- PROJECT PLAN #9-94004 (Approved May 1995)
- PRELIMINARY PLAN #1-95042 (Approved September 1995)
- SITE PLAN - PHASE I #8-98001 (Approved January, 1998)

Master Plan -- Approved June, 1994

- "Ten Key Policies Guiding the Master Plan":
 - **Policy #1 (p.16) - "Town Scale of Development"**
 - "This Plan includes the Clarksburg Historic District as a key component of an expanded Town Center."
 - **Policy #6 (p.26) -**
 - "Plan proposes a transit-oriented, multi-use Town Center which is compatible with the scale and character of the Clarksburg Historic District."

Master Plan – Approved June, 1994

- “Ten Key Policies Guiding the Master Plan”:
 - **Policy #6 (p.26) -**
 - “This Plan continues the historic function of Clarksburg as a center of community life. It will be part of an expanded Town Center.”
 - “Assuring compatibility of future development with the historic district has been a guiding principle of the planning process.”

Development Application – November 1994

- (Exhibit A) Submitted by Steven M. Klebanoff (Managing General Partner) Clarksburg Land Associates Limited Partnership and Piedmont Land Associates Limited Partnership
T/A Clarksburg Town Center Venture
- Attorney of record: Linowes and Blocher
- Proposed building height: "Maximum 50' "

Project Plan #9-94004 (Approved May, 1995)

- "Project Plan" set submitted by Clarksburg Town Center Venture as basis for approval of Project Plan (Exhibit B) shows "maximum" heights of:
 - Single Family & Townhome: **35'**
 - Multi-Family: **45'**

- Attorney of record: Linowes and Blocher

■ Page 8: Finding #1

"The Planning Board finds that Project Plan #9-94004, as conditioned, meets all of the purposes and requirements of the RMX-2 Zone. A summary follows that compares the development standards shown* with the development standards required in the RMX-2 Zone."

**Note: The development standards proposed /shown by the developer for CTC; Standards upon which the Staff based it's opinion and the Board based its approval of the Project Plan.*

Project Plan #9-94004 (Approved May, 1995)

■ Page 9: Finding #1 (continued) - Data Table shows what is "Required/Allowed" in the RMX-2 Zone versus what is "Proposed" for the Clarksburg Town Center

- Required/Allowed:
 - Commercial: "4 Stories"
 - Residential: "4 Stories"
- Proposed:
 - Commercial: "4 stories (50)"
 - Residential: "4 stories (45)"

Preliminary Plan #1-95042 (Approved September 1995)

- Preliminary Plan submission to M-NCPPC (Exhibit B) by Clarksburg Town Center Venture
- "Maximum Height" Definitions:
 - Single-Family & Townhomes: " 35' "
 - Multi-Family: " 45' "
- Attorney of record – Linowes & Blocher

Preliminary Plan #1-95042 (Approved September 1995)

- Page 1: "The underlying development authority, Project Plan No. 9-4004, was approved by the Planning Board on May 11, 1995, after two prior Planning Board meetings (held on April 6 and 20, 1995). The record for Preliminary Plan 1-95042 specifically includes the records from those prior hearings."
- Page 3: "The approval is subject to the following conditions": ...

Note: The Board recognizes the Project Plan as the Development Authority.

Preliminary Plan # 1-95042 (Approved September 1995)

- Page 6 - Condition #14:
"Preliminary Plan 1-95042 is expressly tied to and interdependent upon the continued validity of Project Plan No. 9-94004. Each term, condition, and requirement set forth in the Preliminary Plan and Project Plan are determined by the Planning Board to be essential components of the approved plans and are, therefore, not automatically severable."

Site Plan Review #8-98001 (January 16, 1998)

- Site Plan Review submitted to Board on January 16, 1998 by Development Review Staff
- Noted "Adjustments to Project Plan approval" do not include any references to height adjustments
- Conformance to Clarksburg Master Plan (p.26)
 - "The proposed site plan will establish a strong identity with a traditional town character as called for in the master plan."

Site Plan #8-98001 (Approved January 22, 1998)

Page 2 - "Montgomery County Planning Board finds:"

- 1. "The Site Plan is consistent with the approved development plan or a project plan for the optional method of development.."
- 4. "Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development."

Site Plan #8-98001

- Site Plan "Set" Submission (Exhibit D) by Clarksburg Town Center Venture to M-NCPPC
 - Initial submission December, 1997
 - Revised submission April, 1998
 - Final submission/approval March 24, 1999
- "Maximum Height" Definitions:
 - Single-Family & Townhomes: " 35' "
 - Multi-Family: " 45' "
- Attorney of record – Linowes & Blocher